

REMARKS:

Claims 1-17 and 19-28 are pending in the application. By this amendment, all pending claims are cancelled in favor of new claims 29-41. Applicant requests reconsideration and allowance in view of the above amendments and the following remarks.

The Claimed Invention

The new claims are intended to recite the invention more clearly than the previously pending claims. In general, the invention relates to a lock assembly that is actuated by the free end of a cable engaging a cable seat that is operatively connected to a catch. In its locked position, the catch secures a bolt which, in turn, secures a vehicle door element. When the free end of the cable engages the cable seat, the catch is caused to move out of its locked position, thereby allowing the bolt to move out of its locked position so that the vehicle door can be opened.

Additionally, the invention includes a cable-positioning operating device. When the operating device is in its unlocked position, moving the cable longitudinally causes the free end of the cable to engage the cable seat so that the door can be opened. On the other hand, when the operating device is moved to its locked position, the free end of the cable is repositioned so that moving the cable longitudinally does not cause the free end of the cable to engage the cable seat. For example, as shown in the illustrated embodiments, whether the free end of the cable engages the cable seat may be controlled by deflecting the free end of the cable laterally.

Claim Rejections

Koenig

Claims 1, 5-7, 19, 21, and 25-27 were rejected under 35 U.S.C. § 102(e) as anticipated by Koenig, U.S. 6,092,845. Furthermore, claims 2-4, 8, 22-24, and 28 were rejected under 35 U.S.C. § 103 based on Koenig in view of Takaishi et al., U.S. 4,691,584, on which the Examiner relies for disclosure of the elements recited in the various dependent claims. To the extent all pending claims have been cancelled, the rejection is moot. To the extent the art might be applied against the new claims, Applicant traverses the rejection and requests that it be withdrawn.

In particular, Koenig does not disclose a cable-positioning operating device or, accordingly, a lock assembly that operates as now more clearly recited in the claims. Rather, all Koenig discloses is a latch assembly (more particularly, a hood release latch assembly) that is configured to be operated by pushing a cable instead of pulling the cable. See, for example, the Koenig Abstract and Summary. Pushing the cable moves lever 50 counterclockwise against the tension of spring 56, from the position shown in Figure 2 to the position shown in Figure 3. This releases the bolt 20 so that it can pivot counterclockwise, under the influence of tension spring 38, from the position shown in Figure 2 to the position shown in Figure 3. The hood can then be opened. In contrast to the present invention, in Koenig, the end of the cable is always connected to the end of the lever 50 such that pushing the cable will, after taking up any lost motion play that may be present, always cause the lever 50 to be pivoted. Thus, whether the end of the cable engages the lever 50 is not controlled by the position of a cable-positioning operating device as recited in the instant claims.¹ Accordingly, Koenig does not anticipate the claimed invention or, in combination with Takaishi, render obvious the claimed invention, and Applicant requests that the rejection be withdrawn.

Fujita

Although the issue is technically moot since there is no pending rejection based on it, Applicant notes that Fujita, U.S. 3,905,624, was cited previously as anticipating the original claims. To the extent the Examiner might be inclined to invoke Fujita once again, Applicant notes that Fujita does not anticipate or render obvious the claimed invention.

Fujita is directed to a double-latch hood release mechanism. Pulling cable 20 rotates one latch member 15 so that the hood partially opens. To fully open the hood, another latch member 13 must be manually operated to release striker 12. See, for example, column 4, line 23 through

¹ The Examiner alleges that column 3, line 59 through column 4, line 9 of Koenig discloses that “[t]he cable end is directed for engagement with the cable seat in the unlocked position and is directed to the side of the cable seat in the locked position[.]” Applicant submits that that is incorrect. All the cited passage discloses is how to manually disconnect the cable from the lever; it does not disclose or even suggest – unless one reads it with knowledge of Applicant’s invention in mind in a hindsight-driven effort to find suggestion – that a cable-positioning operating device be provided to control whether the cable actuates the lock assembly as a function of the position of the operating device.

column 5, line 65 (column 5 in particular). There is no disclosure or suggestion in Fujita of a cable-positioning operating device that controls whether the end of the cable engages a cable seat as a function of the position of the operating device. Accordingly, Fujita does not anticipate the claimed invention, and Applicant submits that the claims are allowable over it.

In view of the foregoing, Applicant submits that all claims are in condition for allowance, and timely Notice to that effect is respectfully requested.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 7574.102.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

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